

State of New Hampshire



PERSONNEL APPEALS BOARD
54 Regional Drive, Unit 5
Concord, New Hampshire 03301

STATE OF NEW HAMPSHIRE PERSONNEL APPEALS BOARD

APPEAL OF MELISSA SIMMONS DOCKET # 2018-T-013

APPELLANT'S MOTION FOR RECONSIDERATION AND STATE'S OBJECTION

At its meeting on June 23, 2021, the Board considered the arguments made by both parties within the context of Per-A 207.12 (a) and Per 1002.02 (a). The Board's deliberations in this case were extensive and included many of the points made by the appellant in her motion about progressive discipline, namely, formal letters of warning, that would have constituted clear indications of a disciplinary track being taken by the State. What ultimately weighed heavily in the Board's decision was the severity of the cases presented by the State where the appellant exhibited inadequate oversight and management of the cases that were the core functions of her role as a JPPO. The Board also considered her unwillingness, even resistance, to counsel from and consultation with her supervisors on any of the cases that were challenging to her. Ultimately, the Board agreed with the State that she was not capable of conducting the core functions of her position and it could not, in good conscience, reinstate her to a position that requires significant hands-on management of some of the State's neediest clients.


The Board further concluded that the appellant's motion presented no other new evidence that was not available at the time of the hearing on the merits, that it did not demonstrate any misapplication or misinterpretation of the applicable law or rules and that it did not demonstrate that the Board's decision issued on April 14, 2021 was contrary to controlling law. The appellant's motion restated facts and legal arguments that were made at the hearing and asked the Board to draw a different conclusion with respect to the disciplinary basis of the appellant's termination, but the Board found no basis for doing that.

ORDER

Based on the foregoing analysis the Board enters the following order:

THE MOTION FOR RECONSIDERATION/REHEARING IS DENIED

For the Board:


Norman J. Patenaude, Esq.

July 23, 2021